

REMARKS / ARGUMENTS

I. Amendments

Claims 8-11, 26-28, and 35 remain in this application. Claims 39-45 have been added.

Claims 8, 10, 11, 26, 27 and 35 have been amended to more clearly and particularly claim the invention.

Claim 8 has been amended to be drawn to --A vaccine vector-- rather than to "A vaccine comprising a vaccine vector", and to delete reference to the nucleic acid molecule being "integrated and expressed in a bacterial cell suitable for use as a vaccine vector".

Claims 8, 10 and 26 have been amended to delete parts (d) and (e), and to replace "one or more control sequences" with --a promoter--, as supported at page 32, lines 1-23.

Claim 11 has been amended to further clarify that the claim is drawn to --A vaccine comprising the vaccine vector of claim 8--.

Claim 27 has been amended to correct antecedent basis for "the vaccine vector of claim 8".

Claim 35 has been amended to depend on claim 8.

Because these amendments do not introduce new matter, entry thereof by the Examiner is respectfully requested.

Dependent claims 39-45 have been added to specify the promoter as the CMV promoter. Support for the new claims is found at least at pages 32, lines 13-14, page 52 lines 4-8, page 56 lines 17-21, page 60, lines 20-24, Examples 2 and 3 (pages 52-56), Examples 5 and 6 (pages 56-59) and Examples 8 and 9 (pages 60-63). The Examiner is respectfully requested to enter and examine claims 39-45.

Applicants retain the right to present claims drawn to the cancelled subject matter in a divisional application(s).

II. Claim 35 Biological Deposit Information

The Examiner alleged that deposits are required for plasmids pCACP_{NM55a}, pCAI₅₅₅ and pCAD_{76kDa} recited in claim 35, stating it is not clear that the plasmids can be reproduced without undue experimentation. Applicants traverse this ground for rejection.

The Examples unambiguously specify by SEQ ID NOs the sequence contained in each plasmid. It is clear that pCACP_{NM55a} contains SEQ ID NO: 2, as amplified with primers SEQ ID Nos 9 & 10; that pCAI₅₅₅ contains SEQ ID NO: 4, as amplified

with primers SEQ ID Nos 11 & 12; and that pCAD76KDa contains SEQ ID NO: 8, as amplified with primers SEQ ID Nos 13 & 14.

Given the teaching of the specification, a skilled person is readily able to reproduce plasmids pCACPNM55a, pCAI555 and pCAD76kDa, as well as other expression vectors expressing the polypeptide of SEQ ID NO:2, 4, 6, 8. The specification contains sufficient written description of and is fully enabling for the subject matter of claim 35, and that no biological deposit is required.

III. Concluding Remarks

In view of the above amendments and remarks, reconsideration and favorable action on all pending claims are respectfully requested. If any questions or issues remain, the Examiner is invited to contact the undersigned at the telephone number set forth below so that a prompt disposition of this application can be achieved.

If a fee is required for an extension of time which is not accounted for, such an extension is requested and the U.S.P.T.O. is authorized to withdraw from our Deposit Account Number 19-0741 any fee required.

Respectfully submitted,

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